

# “Rights”ing a Wrong:

DEHEGEMONIZING EDUCATION FROM THE HUMAN CAPITAL DEVELOPMENT MODEL BY

ALIGNING IT WITH THE EVOLUTION OF HUMAN RIGHTS

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## Acronyms used in this essay

CADE – Convention Against Discrimination in Education

CRC – Convention on the Rights of the Child

HCD – Human Capital Development

ICESCR – International Covenant on Economic, Social and Cultural Rights

## Statement of Intent

According to Antonio Gramsci, *hegemony* is the dominance of one social class or group over others, where the dominance is exercised primarily through manufactured consent<sup>1</sup>: shaping and controlling the beliefs, values, and norms of society, to make the worldview of the dominant class seem natural and universally accepted.

The major vehicles utilized in propagating the dominant worldview are all educational – either understood in the narrow sense of formal education such as in schools, or in the broader sense, including informal education, as in arts (literature, theater, etc.), culture (museums, monuments), media (newspapers, radio, TV, social media), and religious institutions.

While many empires were hegemonic (e.g. Roman, Ottoman, Spanish, and British), hegemonies need not necessarily involve boots-on-the-ground (e.g. the cultural and economic hegemony of the United States of America) nor do they even have to be defined around a nation state at all (e.g. in the Patriarchy, the vector of dominance is gender; in Caste systems, the vector is caste – assigned at birth based on the caste of the parents).

In this essay I shall argue that

1. The Human Capital Development<sup>2</sup> (HCD) model of education is not only a vehicle for propagating a hegemony (of neo-liberal capitalism), but also a hegemony in itself.
2. Upholding international Human Rights law, and especially Child Rights, requires, and is instrumental in, the dehegemonization of education.

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<sup>1</sup> “manufactured consent” is a more recent term (1988), coined by Edward S. Herman and Noam Chomsky, but it serves well to highlight that the “consent” Gramsci refers to is not “free and informed consent”.

<sup>2</sup> I am not entirely sure if it is specifically the HCD model of education that is hegemonic, because many of my criticisms of it would apply equally to credentialled formal education that existed prior to it – but I suspect that the development of the HCD model happened in parallel to the hegemonization. I am also unaware of any writing that has made this claim – the closest I am aware of is Ivan Illich, who doesn’t explicitly use the term “hegemony” but does make similar claims in “Deschooling Society”, which was written in 1971 – after HCD was described in the 1960s by Theodore Schultz (“Investment in Human Capital”, 1961) and Gary Becker (Human Capital, 1964) but before it became the dominant narrative in education with the emergence of neoliberal capitalism.

## Part A: The hegemony of Human Capital Development

### A.1 – The history of Formal Education

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Education, even in the limited sense of formal, institutionalized education, is very old. In a broader sense of enculturation, it is even older: every community had rituals and practices by which its culture reinforced itself to its members and propagated itself to newcomers: to children born in the community, and to those who assimilated into the community<sup>3</sup>.

Regardless of the scale of “community”, village, tribe, religion, ethnicity, caste, and city- or nation-state, every community had its educational practices; if it didn’t, it’s culture would die out. A fishing village could not continue to be a fishing village if it didn’t have means by which newcomers learned how to fish.

Some of these practices may have been highly formalized, such as when entering a religion (baptism or conversion rituals), while others, such as the transmission of oral histories, were more informal. Eventually, some of these practices became institutionalized – for example,

1. School: the word “school” derives from the ancient Greek word for *leisure* (σχολή, *scholē*) – where a school was a place of learning that people went to during their leisure time because leisure allowed a man to spend time thinking and finding out about things.<sup>4</sup>
2. The University of Al Qarawiyyin in modern-day Morocco is said to be the oldest continuously operating higher education institution in the world. It was established as a mosque, and was a leading spiritual and education center of the Islamic Golden Age.
3. Gurukulam in India was an ancient system of education mentioned in the Upanishads (1000 – 800 BCE) – students lived in the household of the guru, who was a practitioner. These gurukulam were supported by donations from the community.
4. The University of Bologna, considered the oldest university in the West, had its origins as a student-run<sup>5</sup> university.

Of many possible examples of the history of institutionalized education, I selected the above to showcase that there were a variety of approaches to education, even formal education, that were different to how formal education is presently understood:

1. School – learning was something that people chose to engage in, during their leisure time. It was not “work”.
2. Al Qarawiyyin – “scientific” education was not always separated from “religious” education

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<sup>3</sup> This could be voluntary, as when people choose to migrate (e.g. to join a partner, to find sanctuary from prosecution, to find employment, etc.) or involuntary, as when the borders of a community expand (which could be violent, such as an invasion, but could also be peaceful)

<sup>4</sup> <https://www.merriam-webster.com/wordplay/get-schooled-on-the-origins-of-school-twice>

<sup>5</sup> <https://historyofeducation.org.uk/puncta-for-professors-the-university-of-bologna-and-its-financing-system/>

3. Gurukulam – teachers were practitioners, not “professionals” who were disconnected from the practice of the discipline they were teaching; also, they did not charge a fee for their services.
4. The University of Bologna – was owned and run by students themselves; faculty was hired by the students to serve the needs of the students as determined by the students themselves.

Notwithstanding all of these examples, the term “traditional<sup>6</sup>” schooling refers to a particular model of education that was introduced in Prussia some 300 years ago, that subsequently became mainstreamed around the world.

The “innovations” of the Prussian model included

- Compulsory education – while previously formal education was elective, it was now enforced
- Public funded education – previously either individuals paid for their education, or their “employer” bore the cost (e.g. when someone joins the military, the military trains them at their expense – and this is largely still the case with the military)
- A standardized curriculum
- Professionally trained teachers

While public funded education is now considered to be an essential<sup>7</sup> attribute of a democratic state, we must remember that Prussia did not introduce it out of concern for the Human Rights of its children and their well-being - this predated the modern discourse of human rights by some 200 years, and even the adult citizens did not enjoy human rights!

The Prussian elite introduced this innovation in service of the hegemony of the ruling classes. It had to be compulsory because the state desired for all citizens to be compliant with its agendas (including going to war at the beck and call of the ruling classes, or working in the factories) and it had to be public-funded because commoners were not going to pay for education that was foisted on them, even if they could have afforded such luxuries.

No nation state was going to object to a ready supply of compliant workers and soldiers, especially when it could be offered to people as an act of benevolence, and so this model of education was readily adopted – imposed both within countries by the ruling classes on the citizenry, and across countries by colonial<sup>8</sup> invading powers on their colonized subjugated peoples, displacing systems of education that were actually deserving of the adjective “traditional”.

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<sup>6</sup> at least in the English-speaking discourse on Education

<sup>7</sup> it is essential – otherwise already marginalized groups would be further marginalized by being deprived of access to education

<sup>8</sup> Let's stop the practice of using “colonize” as a euphemism for the forceful invasion of already inhabited lands.

## A.2 – The evolution and hegemonization of Human Capital Development

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As the formal school system became mainstream, it became important to know if a child had completed his school education – this would convey to potential employers, both civil and military, that they were literate and obedient, while a child who had not completed education was either illiterate, disobedient, or both. Thus, the practice of educational certification, such as a school completion certificate, commenced in the 19<sup>th</sup> century and remains an established feature of formal education. Credentialling (not just in school, but in all formal education) allowed for the emergence of a new dominant class – the educated, as measured by credentials that could differentiate the Educated from the Uneducated – and eventually led the hegemonization of education. Parallel to this, credentialled formal education evolved into the Human Capital Development (HCD) model in the 1960s, which posits that education increases the knowledge, skills, and competencies of individuals, which in turn improves their ability to contribute effectively to the economy, both at a personal and societal level.

In a world where egalitarian ideals were challenging notions of nobility and class, education – especially the credentialing<sup>9</sup> of HCD – allowed for a more nominally “equitable” and palatable vector of dominance. This is only nominally equitable because the system of education easily converted<sup>10</sup> wealth, social background and cultural capital to educational merit by various means, including higher quality teaching at elite schools for fee paying students that far exceeded the quality of provision in the public funded schools, and of course offspring of privileged families could afford to go further in the educational hierarchy (Doctorate > Master’s > Bachelor’s > School) before they needed to find<sup>11</sup> employment.

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<sup>9</sup> This is the credentialling at the completion of a formal course of study, not the “recognition of prior experience” which I will touch on later.

<sup>10</sup> As described by Bourdieu and Passeron in *“Reproduction in Education, Society and Culture”* (1970)

<sup>11</sup> If they even needed to “find” employment, rather than simply take up the reins in the family business.

### A.3 – Testing the claim: Is Human Capital Development a hegemony?

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To test my claim, let's compare HCD against the features<sup>12</sup> of a Gramscian hegemony:

#### 1. Cultural and Ideological Leadership

*The ruling group exercises dominance by shaping society's cultural and ideological norms. It establishes itself as the intellectual and moral guide, ensuring that its worldview is accepted as the dominant framework. This leadership extends beyond economic or political control, embedding itself in the everyday practices and consciousness of the population.*

The value and legitimacy of individuals are often judged based on their educational qualifications – the more advanced the degree, the better. Those with educational qualifications merit their success, those without have only themselves to blame. Perhaps this is why people append credentials to their names, much like nobility appended their titles.

This is also why there is a general desire for political leaders to be educated<sup>13</sup> - even if their discipline of study has no bearing to political leadership. That doesn't actually stop us electing the uneducated, but we make excuses for them ("he was a man of the people", etc.)

Discipline-agnosticism doesn't extend much<sup>14</sup> beyond politics - those lacking suitable qualifications in a particular discipline are either denied opportunities to practice that discipline<sup>15</sup>, or are accommodated but marginalized<sup>16</sup>. Indeed, it is the premise for this course of study – that one must be qualified in public policy in order to engage in policy formulation.

Moreover, in many societies, there is widespread acceptance, almost a fetish, that credentials in certain disciplines (such as STEM) are seen as more desirable than others (e.g. Arts and Humanities), based on their economic potential for the individual and the society. Non-STEM disciplines are relegated to "consolation prizes" for those who lacked the merit to pursue a STEM qualification. This is evidence that economic utility has become the dominant determinant of education, with other educational aims, such as those described as the Aims of Education in the UN CRC, being marginalized.

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<sup>12</sup> As there is no standard "test" for a Gramscian hegemony, I made use of Generative AI to develop the test; the description of the criteria (in the shaded blocks) were AI generated, as was the test of the criteria to see if it identified "Patriarchy" as a hegemony (included in the appendix).

<sup>13</sup> In Sri Lanka (and presumably other colonized subjugated nations) there is an intersection with "colonialism" – the British provided English education (both language and morals, a la Macaulay) to those who governed on their behalf, who justified their suitability to govern by means of their educational credentials, a rather neat trick given that those credentials were only attainable by those who accepted the superiority of the "colonial" masters. The revivalism that led to Buddhist, Hindu and Muslim schools was a form of mimicry (a la Bhabha) that simultaneously reinforced and subverted the authority of credentialism.

<sup>14</sup> Although there is a sense that a Professorship > Ph.D. > Master's > Bachelors > Vocational qualification > school.

<sup>15</sup> This in itself is not necessarily a problem – it wouldn't be a good idea to allow people to drive motor vehicles on public roads without a driving license, but it is an issue when those credentials are not equitably accessible.

<sup>16</sup> For example, an unqualified teacher will be at a lower pay grade than a qualified one, even if s/he is a better teacher (by whatever metric of performance).

## 2. Institutional Influence

*The hegemonic system exerts control through civil society institutions such as the media, education, religious organizations, and cultural outlets. These institutions promote and reinforce the dominant ideology, ensuring it permeates the social fabric. By controlling the narrative, the ruling group sustains its ideological dominance across generations.*

Credentials dictate access to key institutions and positions such as in education, justice, media, and corporate leadership – or at least we would like it to be so, rather than appointments based on nepotism and favouritism. Educational and professional institutions are designed to uphold the dominance of those with higher credentials. Educational policies, governance, media time and hiring practices often recognize the superiority of credentialed elites, perpetuating their control over educational, social and economic opportunities.

Moreover, international agencies such as the World Bank and the OECD strongly advocate for the HCD model of education.

## 3. Consent Rather than Coercion

*In a hegemonic system, the dominant group relies primarily on consent rather than brute force to maintain control. Subordinated classes accept the legitimacy of the dominant ideology, often because they believe it serves their interests or because alternative views are marginalized. Coercion exists but is used sparingly, typically when consent breaks down.*

The dominance of credentialed individuals is largely maintained through consent rather than direct coercion. Society broadly accepts the notion that credentials are a necessary measure of competence and worth. This acceptance is rooted in the belief that those with credentials are more qualified to lead, teach, and make decisions. As a result, individuals willingly conform to the credentialing system, aspiring to attain the qualifications deemed necessary for success and recognition. The idea of meritocracy, where credentials determine one's value and opportunities, is widely internalized, thus sustaining the hegemony of the credentialed class.

This is also reinforced within education, where people seek qualified educators to deliver education – for example, one of the main criticisms of unregulated private schools in Sri Lanka is that there is no monitoring of whether the teachers are qualified to teach, while patently ignoring that the public funded system that supposedly employs qualified teachers is failing to teach well.

## 4. Appeal to Universal Interest

*The hegemonic group claims to act not just in its own interest, but in the interest of society as a whole. By presenting itself as the defender of universal values or the common good, the ruling class aligns its interests with the broader population, making its dominance appear just, necessary, and inevitable. This appeal to universality obscures underlying inequalities and power dynamics.*

The universal interest is served by arguing that a well-credentialed workforce not only benefits the individual, but also benefits society as a whole through increased productivity and economic growth.



By positioning education as the key to personal and societal success, it frames the credentialed class as contributing to the common good. This appeal helps to justify the dominance of credentialed individuals by suggesting that their qualifications are essential for the overall prosperity and efficiency of society, even though the model primarily reinforces existing inequalities.

## 5. Subaltern Class Incorporation

*A key feature of hegemony is the inclusion of subordinate or marginalized groups into the dominant system, often through limited concessions or symbolic representation. By allowing the subaltern class to participate in the system or by addressing some of their demands, the ruling group creates a sense of inclusion and diminishes the desire for radical opposition.*

When the Prussian reforms introduced compulsory schooling, people resisted<sup>17</sup> and the resistance was suppressed – but this was before it achieved hegemonic status. By linking educational attainment to better employment opportunities and prestige, formal education became desirable and aspirational – that is why people are now willing to pay for private education, to supplement, or sometimes even supplant, public funded education.

Offering options to the subaltern class (those denied access to desirable credentials) to access pathways to attain credentials is essential, as complete denial of access would provoke large scale resistance. However, these pathways are often limited or unequal:

- Limited pathways are typically “merit based” scholarships<sup>18</sup> – those who are deemed worthy of the opportunity can still access it, and those who fail... simply did not merit it.
- Unequal pathways are the increase of educational access of low-quality provision – where the prestigious qualifications are still largely reserved for those from privileged backgrounds, leaving the marginalized groups to pick up less valued credentials – the certificate from a village school is less valuable than from an elite school, a degree from a new university is less valuable than from an established university. They might all meet the “minimum standards” but the recognition for their credentials will not be the same.

## 6. Common Sense and Naturalization

*Hegemonic dominance involves making its worldview appear as "common sense" or natural. The dominant ideology becomes so entrenched that it seems like the only rational way to organize society. Alternative perspectives are marginalized or dismissed as impractical, radical, or unviable. This naturalization makes the hegemonic system harder to question or resist.*

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<sup>17</sup> Some groups viewed compulsory schooling as an intrusion into family life and the traditional way of raising children. Many parents, especially in agricultural areas, preferred their children to work at home or in the fields rather than attend school. Some feared the loss of control over their children's education, viewing state-controlled education as a threat. However, the Prussian government suppressed the resistance through legal mandates, and efficiently administered penalties for noncompliance.

<sup>18</sup> even if the scholarship recipients go on to be marginalized, as happens with the Year 5 scholarship students in Sri Lanka

The dominance of credentialed individuals is seen as simply common sense. The societal belief that educational qualifications are crucial for success and authority is deeply ingrained. The idea that only those with appropriate credentials should hold positions of power and influence becomes a taken-for-granted norm. This widespread acceptance of credentials as the primary measure of competence and legitimacy reinforces the hegemonic status of those who hold them, making alternative views seem impractical or unrealistic – unless those who profess the alternative views are suitably credentialed, which is unlikely because gaining educational qualifications requires acquiescence of the hegemony: It would be rather awkward to claim “Educational qualifications / formal education is not important, and you can trust me on it because I have a Ph.D. in education”, even if one were able to obtain a B.Ed, never mind a Ph.D., while holding that opinion.

Furthermore, any form of education provision outside of the hegemonic model is dismissed as “alternative” (the nomenclature itself cedes credibility to the mainstream); they will be questioned whether the educators are credentialed<sup>19</sup>; and they will be questioned how students will obtain credentials – which doesn’t really permit an escape from the hegemony of credentials.

## 7. Crises and Adaptation

*Even hegemonic systems face moments of crisis when their ideological dominance is questioned, whether through economic instability, political movements, or social unrest. In response, the ruling group may adapt by making concessions, co-opting opposition, or using coercion to restore stability. These crises reveal the underlying fragility of hegemonic dominance, and how it evolves to maintain control.*

The hegemony is challenged when graduates struggle to find employment, or when those with practical experience claim the right to credentials, or when the focus on academic credentials is criticized for not supporting holistic development, or when an increasing number of people leave the hegemonic education system to pursue other aims<sup>20</sup> (such as those laid out in the Aims of Education in the UN CRC).

The hegemony responds and adapts to these as follows:

- The employability concern: by incorporating reforms or concessions, such as revising curricula to be more relevant to industry needs, and offering industry-academia partnerships, work placements, internships and soft-skills development to prepare graduates for the world of work – all of them certificated.
- The practical education concern: by implementing “recognition of prior experience” schemes that allows those who have learned on-the-job to top-up and gain a formal qualification, but this is only for vocational disciplines.

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<sup>19</sup> A self-defeating question, because the mainstream system of teacher training only educates on pedagogies compatible with the hegemonic view, and only those who are willing to leave that behind could be comfortable with alternative forms of provision.

<sup>20</sup> Even pursuing the same aims as HCD outside of formal school is a problem, because if uncredentialed people can successfully teach, it becomes hard to justify that people must be credentialed in order to teach – chipping away at the very heart of credentialism.

- The criticism that purely academic evaluation of attainment is not conducive for holistic development: the recognition of extra<sup>21</sup>- or co-curricular activities – but only because they contribute to employability, and they too will also be credentialled by certificates of participation and achievement.
- For leaving to pursue alternative education: the soft response is the back-handed recognition of informal and non-formal education within the education mix, a nomenclature<sup>22</sup> that still positions formal education as the superior form. The hard response – an example where direct coercion is being resorted to when manufactured consent is failing – is how, in many countries<sup>23</sup> around the world, home-schooling and alternative school models are increasingly pressured by legal systems to conform to the hegemonic system.

With all these responses, the core emphasis on credentials and economic utility remains largely intact. This shows that the hegemony is sufficiently resilient to adapt to the crises.

## 8. Conclusion

The above arguments can perhaps be best summarized by recalling Chomsky: “The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion, but allow very lively debate within that spectrum.” – in education policy discourse we see lively debate on pedagogical approaches (traditional vs progressive vs self-directed), assessment/examination systems, how to maintain the quality of education, the use of technology, and the nature of funding (public or private), but it is largely taken for granted<sup>24</sup> that the purpose of education is preparation for gainful employment, because the HCD model is hegemonic.

Whether my argument is sufficiently convincing, I do not know – but I do know that the more one has accepted and normalized the hegemony of HCD, the harder it is to recognize the hegemony.

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<sup>21</sup> Note that the nomenclature prioritizes the curricular over the extra-curricular.

<sup>22</sup> An alternative, perhaps much more honest, convention would have been natural learning vs foisted learning

<sup>23</sup> To cite one example, new laws passed in 2024 in Slovenia and South Africa require homeschooled children to take public school exams – and be enrolled in public schools if they do not pass the exams.

<sup>24</sup> As an example, in a previous assignment for this program of study, I wrote a critique of Sri Lanka’s proposed National Education Policy Framework 2023-2033 comparing the implicit Human Capital Development aims of the proposal with the Aims of Education in the UN Convention on the Rights of the Child. The analysis by the Parliamentary Sectoral Oversight Committee on Education (<https://www.parliament.lk/uploads/comreports/1715252035022475.pdf>) addresses all the aspects in the accepted-for-debate spectrum, but does not question the proposed framework’s aims of education.

## Part B: The imperative to dehegemonize Education

### B.1 – Hegemonic HCD education vs. international human rights law

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In this section I will show, from 3 distinct but related perspectives, how international human rights law is violated by the hegemonic HCD model of education:

1. Compulsory Schooling instead of Compulsory Education
2. Continuation of school practices that are incompatible with Child Rights
3. Education as a Right vs. a Private Good

While the origins of these predate the HCD model, they are necessary for the HCD hegemony and have been exacerbated by it.

1. Compulsory Schooling instead of Compulsory Education

The modern discourse on Human Rights, which commenced in the aftermath of WW II with the Universal Declaration of Human Rights (UDHR), was born of the recognition that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”<sup>25</sup>

By this time, the Prussian model of compulsory schooling was well established throughout the world. This resulted in the awkward formulation that “elementary education shall be compulsory” (UDHR § 26) - in what way is only the Right to education compulsory? It could be argued that many Rights, such as Freedom of Expression, Freedom of Thought, Conscience and Religion, Freedom of Movement, Freedom of Association, only require that duty-bearers do not interfere to limit them – these are known as Negative Rights. However, there are other Positive Rights which place an obligation on the duty-bearer to act to fulfill them, such as the right to a fair and public hearing by an independent and impartial tribunal (investing in the justice system), right to take part in the government of the country (investing in electoral systems), and the right to social security. Why are they also not compulsory?

The minutes of the drafting<sup>26</sup> of the UDHR makes it clear that maintaining the practice of public funded compulsory schooling was the deciding factor to over-rule the objection by some members of the drafting committee to the inclusion of the term “compulsory”. And at least in the case of Germany, and possibly other countries, the term “elementary *education* shall be compulsory” is translated as “elementary *schooling* shall be compulsory”.

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<sup>25</sup> Preamble of the UDHR

<sup>26</sup> “Parental choice and the right to education: Revisiting Article 26 of the Universal Declaration of Human Rights” (<https://unesdoc.unesco.org/ark:/48223/pf0000380161>), pp. 7-9

Why is this a problem?

1. Because compulsory schooling itself is a Rights violation: It was already clarified in 1999 that *“the element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education.”*<sup>27</sup> – nobody may deny a child access to the education provided by the state; but there is no justification in international human rights law to coerce a child to participate if the Child chooses otherwise by exercising their Right to be Heard<sup>28</sup> on their education.
2. Because it enables school practices that are incompatible with Child Rights (addressed in the next sub-topic) – if children were able to vote with their feet against educational provision that didn't respect their rights, states would be compelled to reform their practices.
3. It permits the state to have unfettered power in determining the objectives of education – and presently this is increasingly being reduced to the narrow goal of preparation for future employment under the HCD hegemony rather than the broad Aims of Education laid out in the CRC § 29 (1).

## 2. Continuation of school practices that are incompatible with Child Rights

The human rights discourse recognizes that not all school practices are compatible with Child Rights. For example, General Comment 1 of the CRC<sup>29</sup> calls for *“the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies”*, in recognition that *“approaches which do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes are clearly inadequate”* and *“efforts to promote the enjoyment of other rights must not be undermined, and should be reinforced, by the values imparted in the educational process. This includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place, whether it be the home, school, or elsewhere”*.

Some of these practices continue simply because of inertia – after all, school teachers are themselves products of the school system, and the rights of the Child are not part of the Chomskyian spectrum of acceptable debate for education. I will relegate those to Appendix 2, and only draw attention here to a practice that is being exacerbated by HCD: foisted testing.

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<sup>27</sup> UN ECOSOC (Committee on Economic, Social and Cultural Rights) General Comment 11, Plans of action for primary education (1999) <https://undocs.org/en/E/C.12/1999/4>

<sup>28</sup> Please refer Appendix 3 for the evolution of Educational choice from Parents to the Child.

<sup>29</sup> <https://www.refworld.org/legal/general/crc/2001/en/39221>

Under HCD, the system does not want to “produce”<sup>30</sup> graduates who are not employable – this requires “quality control”; the system also wants to separate the best students for the best programs (typically STEM), fast tracking where possible, and this too requires testing.

In the United States, this was imposed on children as “No Child Left Behind” and tied school funding to performance as measured by examinations for accountability for results. This resulted in reduced recess time in school, reduced free time after school (more effort order to perform well at exams, possibly with tutoring), and increased emphasis on STEM at the expense of the arts. These had a double impact on the mental well-being<sup>31</sup> of children violating § 24 “*enjoyment of the highest attainable standard of health*”. There was the direct impact from the pressure to perform on high-stakes foisted exams, and the indirect impact due to the reduced opportunities for § 31 “*the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts*”.

### 3. Education as a Right vs. a Private Good

Historically, access to formal education was highly inequitable – it was the provenance of the privileged. Public funded schooling itself didn’t really address this inequality – because it wasn’t designed to ensure that students of public-funded schools would avail of the same higher education opportunities that those in private schools were entitled to<sup>32</sup>; some may, but that was the exception rather than the norm. It was only the advent of modern human rights that allowed – at least on paper – the idea of Education as a fundamental Right for all people.

According to the Abidjan Principles (2019), States have an obligation to build equitable public education systems where education is an equalising force in society, and the Right to Education is based on the premise that a “*well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence*”<sup>33</sup>, and education does not have a purely practical role. Even the practical role was seen not only in terms of economic benefit, but includes adults and children participating fully in their communities, empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.

The role of public funded education as an equalizer was recognized as early as 1966 with the ICESCR calling for the progressive introduction of free education to secondary and higher education.

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<sup>30</sup> Notice how dehumanizing the language is – as if children were nothing more than raw material on an assembly line receiving value addition at each stage of the process. Even the concept of Grading is dehumanizing – because that is a practice employed on commodities, and human beings are not commodities.

<sup>31</sup> “Common Core Is the Main Cause of Youth Mental Health Deterioration Since 2010”, Peter Gray, <https://petergray.substack.com/p/letter-51-common-core-is-the-main>

<sup>32</sup> This was also the reality in Sri Lanka under British rule. Universities were for elites who attended private schools where education was in the English medium, not for those in public funded vernacular schools.

<sup>33</sup> The Abidjan Principles are quoting from UN ECOSOC (Committee on Economic, Social and Cultural Rights) General Comment 13, The Right to Education (1999) <https://undocs.org/en/E/C.12/1999/10>

In this vision of education, there is no concept of scarcity or exclusion – everyone has an equal right to education enabling them to develop their personality, talents and abilities to the fullest potential, and it requires that states make available functioning educational institutions and programmes in sufficient quantity.

But of course this vision confronted a reality that was plagued by scarcity and exclusion. And in that context, the HCD model initially made the case *for* public funded education – by describing the long term economic benefits to a society by investing resources in education. Although well-intentioned, this was ultimately counter-productive. As long as the purpose of investing in education is to advance human rights and dignity, assessment of the success of that investment will be in terms of fulfilment of human rights – for example, “is inequality in access to quality education reducing?” and “are more people having access to dignified work that allows them to support themselves and their dependents?” This was the story<sup>34</sup> of Finland when they nationalized<sup>35</sup> private schools in the 1970s – to promote social equity and equality, and in recognition of Education as a Right; not primarily for economic returns. This, coupled with high levels of social security, are the unheralded success factors of the Finnish system: without induced competition or economic pressure to succeed in education, children actually have the freedom to excel.

On the other hand, when the purpose of investing in education is positioned as being for economic returns, as per HCD, then it will naturally be assessed in terms of economic returns. So the system will tend to invest more in disciplines that have more economic potential (the STEM fetish) at the expense of disciplines that do not. Social mobility becomes far less relevant – why would a system take on the burden of educating marginalized groups to become doctors and engineers and lawyers when it can achieve the same output for less effort by providing that education only to privileged groups who have a head start, and providing less desirable degrees or vocational training to the underprivileged groups?

In a system of unequal opportunities that lead to vastly different life opportunities, it is natural that individuals will compete in it. So even within a fully public funded higher education system, this leads to greater demand for credentials that are perceived to be more desirable<sup>36</sup> based on their earning potential. When access to desirable higher education opportunities are decided based on standardized examinations, there is an incentive for students to excel in those exams to gain access to those qualification pathways – for example, investing in private tuition (exam preparation), investing in practicing on past papers, spending time revising material, etc. Sometimes this personal expense goes beyond supplementing public funded education to supplanting it altogether by enrolling in fee-levying schools.

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<sup>34</sup> For more details of the Finnish system, see “Finnish Lessons 2.0” by Pasi Sahlberg.

<sup>35</sup> Sri Lanka also nationalized schools – even earlier, in the 1960s. But unlike Finland, we didn’t nationalize all schools, and even more problematically, we allowed even public schools to continue to select students, which perpetuates inequity (for example, by the nepotistic practice of giving preferential access to children of past pupils, or soliciting bribes donations during admissions)

<sup>36</sup> For example, within Sri Lanka’s public university system, not only is there greater demand – and correspondingly a higher cut-off mark, for medicine and engineering than a science degree, the cut-offs for the same discipline (e.g. engineering) varies by university, with the more desirable universities commanding a higher cut-off.

What happens to students who wish to acquire those credentials but do not find a place in a public funded university? Private fee levying universities step in to meet the demand – because it's believed that students' personal upfront expense for obtaining a degree will be repaid by personal higher earnings over their career. However, because there is no way to accurately predict future earnings, and because scarcity drives demand, the cost of these private degrees keeps rising – to the point where forgiving student debt became an election promise in the 2020 US Presidential Elections.

But private universities are not content to be the 2nd choice of those who fail to obtain a place in the public system – they want to be attractive choices in their own right. So they invest in their facilities, academic staff, etc., which allows them to be more selective of students, based on ability to pay and/or academic potential, both of which serve to uplift the attractiveness of the university for future intakes.

The most heinous aspect of this is when the commercialization extends to charging fees for public universities, like what happened in the England<sup>37</sup> – When introduced in 1998, university fees were capped at 1,000 GBP/year, and was means-tested, where students from low-income groups could receive full or partial exemptions. By 2006, this had increased to upto 3,000 GBP/year, with universities free to set market prices within that ceiling, and students were now expected to obtain loans if they were unable to pay. A few years later, in 2012, the ceiling increased to 9000 GBP/year. Within 14 years, England went from fully public funded higher education to market-priced privately funded higher education.

This leads to a situation where a society is no longer actually investing in higher education as a public good, trusting that it will result in aggregate benefits to society, but instead making that a purely private investment by the individual for private benefit – with the state's support being limited to providing a subsidized state-guaranteed loan.

Education is no longer an equalizer, but a differentiator, contributing to exacerbating inequalities.

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<sup>37</sup> And Wales, but not Scotland. Scotland still offers free higher education for Scottish students, because they have a higher regard for human rights than the rest of the UK, as seen also by their recent efforts to give legislative protection to the CRC.



## B.2 – How to dehegemonize HCD education

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For the complete realization of Education as a Right, education must be a public<sup>38</sup> good. This means it must be provisioned in ways that are

1. **Non-rivalrous:** One person's consumption of the good should not reduce its availability or quality for others. Multiple people should be able to use the good at the same time without depleting it.
2. **Non-excludable:** It should be impossible, or at least difficult, to prevent individuals from using the good once it is provided.

The mainstream system of education cannot meet these criteria. Having more students in a classroom impacts the quality of learning for students in the classroom, and even otherwise, we will run out of physical space. We could build more classrooms, and even more schools, but even if we could acquire the land and the buildings, without adequate numbers of qualified teachers, that wouldn't work either. And that's why education always excludes people based on some criteria or another – gender, ethnicity/race, religion, language, citizenship, wealth, caste, “merit”<sup>39</sup>, etc.

How can this be tackled? To capture the full extent of the practice of education centered on democratic principles and human rights is beyond the scope of this essay – and besides there are already several books written on the topic. But I believe the unique offering of this essay is to connect these with dehegemonizing HCD to create the non-rivalrous and non-excludable conditions necessary to realize education as a Public Good:

1. Eliminate all Compulsory Schooling related legislation and policy. For children who choose not to enroll in public school, work on improving the provision in the school to be acceptable<sup>40</sup> to them while supporting the development of other facilities<sup>41</sup> that may align better with their needs. Also let go of the saviorist idea that a professional educator is essential for learning to take place. A professional educator is only essential if *foisted* education is taking place – the non-Rights based Compulsory Schooling model.
2. In order to make educational environments more acceptable, work on fundamentally reworking educational practices in them to protect Rights in Education – this is the focus of my capstone project: *“Rights-Centric Education: Aligning education with the evolution of human rights”*. Primacy should be given to the needs of learners exercising their Right to be Heard – hopefully the remaining changes proposed here will align with what they say.

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<sup>38</sup> This doesn't necessarily mean it must be funded entirely by public funds – means tested private contributions where there is no discrimination based on the ability to pay may be necessary at least in the short term. Community based donations, like with the traditional gurukulam, can also be an option. It also doesn't mean education should be managed by a state authority, but those who are managing it must be accountable towards the public they serve to respect, protect and fulfill all applicable human rights.

<sup>39</sup> In quotes because what is called merit is often wealth that has been converted to merit

<sup>40</sup> Acceptability for the learner is one of the 4As of the Right to Education

<sup>41</sup> Especially important for neurodivergent children who suffer extreme discrimination in ableist systems of education that doesn't honor their unique needs. For example, rather than medicating a child with ADHD so that they can stay focused on the lesson at hand, allow them the flexibility of pursuing their interests without the constraints of a schedule.

3. Experiment with traditional, inclusive practices of education – especially where young people have opportunities for a variety of real-world experiences in mixed-age communities (children of different ages and multiple generations) rather than being required to spend most of their time in highly artificial environments (spaces designed for didactic instruction, age-segregated, highly adult-directed, etc.).
4. Recognize the power of community – the Community of Practice<sup>42</sup>. In traditional Buddhist informal education, this was the Sangha<sup>43</sup>. This was also part of the system in Gurukul – the Guru was constantly practicing, experimenting, solving problems – and the students engaged in that with the Guru and with each other. Rather than insisting on attaching students to educators (unless they wish to), provide opportunities for students to work with each other (this will also radically reduce the number of educators required, reducing the requirement to exclude learners from education).
5. Schools and Universities should be progressively repurposed as multi-function Community Education Centers – as an example, like Oodi<sup>44</sup> in Helsinki, Finland, although the specifics should depend on the needs expressed by the participants in that community. Anyone<sup>45</sup> can come and make use of the facilities – there is no concept of enrollment, no gatekeeping by entry criteria, as these only results in exclusion (limiting learners who can access that center, and also restricting learners to only be part of one center). This also includes access by adults, because they too are part of the community of practice and contribute towards intergenerational communities. The Center could also host Professional educators, who provide different services, if requested by the members of the community: conflict resolution, teaching<sup>46</sup>, mentoring, testing/feedback, counseling, chaperoning, etc. But none of these services should be foisted.
6. Education in a city does not only take place in spaces dedicated for education – they function as hubs and resource centers. The entire city can be the learning space. This is the concept of Education Cities<sup>47</sup>.
7. All content – what is presently delivered via didactic instruction and text books – should be made available for free, online. This is not to discount the value of in-person instruction for those who wish it, but given that we presently cannot do that for everyone, at least the internet provision helps to meet the non-rivalry criteria. And the way to bridge the digital divide is not to give every child a device and internet access, but to have computing devices in the Community Education Centers, so children may interact with others as they use them.
8. Eliminate foisted assessments and exams. Anyone who wishes to obtain feedback may sit an exam if they wish, or write an assignment, or co-design a feedback system with other learners

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<sup>42</sup> The contemporary use of the term is from *Situated Learning: Legitimate Peripheral Participation* (1991) by Etienne Wenger and Jean Lave.

<sup>43</sup> In contemporary Buddhism, *Sangha* is understood to mean *Bhikku Sangha*, but that is only one aspect of the Sangha.

<sup>44</sup> <https://oodihelsinki.fi/en/>

<sup>45</sup> For practical reasons, it may be necessary to prioritize local residents.

<sup>46</sup> Invoking traditional practices again, the Buddha as a teacher offer his insights on the dharma, but they were not imposed on the recipients.

<sup>47</sup> <https://hundred.org/en/innovations/education-cities>

and/or educators. But the results of the feedback are confidential and cannot be used as credentials. As a side benefit, this eliminates using generative AI, outsourcing assessments, practicing for exams etc. – all that would do is give you useless feedback.

9. For employment – of course gainful employment will still be one of the reasons for pursuing education – it is up to each student to create a portfolio (of their projects, internships, etc. as well as a network of people who can vouch for them) suitable for the kind of employment they wish to pursue. And, of course, the portfolio continues to grow to reflect their learning over their lifetime – much like how a resume grows over the course of a career. For those who wish to go into research, the portfolio would be research work. For those who wish to be entrepreneurs, a portfolio would be whatever they need to recruit early investors and employees.
10. There would still be licensing systems – e.g. pilots, doctors, engineers, electricians, etc. all require licenses so that the public may be confident of their capabilities when making use of their services. But this should be handled by licensing bodies, not the facility providing education, much like how driving tests are not conducted by driving schools.

These changes will not come easily, but the experiences of democratic schools over the last century confirm that this is possible for school education, and there is no fundamental reason why it cannot be scaled up, or why the same principles cannot be extended to tertiary education – except the HCD hegemony, which is what we are trying to dismantle!

To conclude this essay, I quote the polymath Archimedes, who may have spent some leisure time in a *scholē*: *“give me a lever long enough and a fulcrum on which to place it, and I shall move the world.”* I believe Human Rights is the lever that can displace the hegemony.

# Appendices

## Appendix 1 – Application of the criteria for a hegemony to the Patriarchy

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Note: This section was AI-generated to confirm if the proposed criteria were usable to test whether the Patriarchy was a hegemony.

### 1. Cultural and Ideological Leadership

*Patriarchy maintains dominance by shaping cultural and ideological norms regarding gender roles and relationships. In patriarchal societies, male authority is often presented as natural, rational, and justified through religious, traditional, or biological arguments. Cultural values, such as the belief that men are stronger or more suited for leadership, become deeply embedded in everyday life, guiding social expectations around family, work, and public life.*

### 2. Institutional Influence

*Patriarchy is sustained and reinforced through key institutions such as the family, religious organizations, education systems, media, and legal frameworks. For example, family structures often prioritize male authority, religious doctrines frequently prescribe distinct roles for men and women, and media portrays stereotypical gender norms that reinforce male dominance. Educational and legal institutions historically favor men, shaping a social order that upholds patriarchal values.*

### 3. Consent Rather than Coercion

*Although coercion (such as gender-based violence or legal restrictions on women's rights) has been part of patriarchal systems, much of patriarchy's dominance relies on consent. Women and men alike often internalize patriarchal values, believing that traditional gender roles are natural or beneficial. This consent is cultivated through the normalization of male dominance in everyday life, where alternatives are either not imagined or are seen as undesirable or impractical. Women may participate in the system and even defend it, thinking it protects their interests or maintains social stability.*

### 4. Appeal to Universal Interest

*Patriarchy often presents itself as benefiting society as a whole, not just men. It frames traditional gender roles as beneficial for family cohesion, social stability, or the upbringing of children. By promoting the idea that patriarchal structures ensure order, security, or moral integrity, it appeals to universal values and makes male dominance seem necessary for the common good, masking the inequalities it produces.*

### 5. Subaltern Class Incorporation

*Patriarchy incorporates women (and other marginalized genders) into its system by granting them roles that seem important within the patriarchal framework, such as motherhood, caregiving, or supportive roles in professional settings. These roles are often romanticized or*

*culturally valorized, giving women a sense of importance and recognition while simultaneously limiting their power and autonomy. In this way, women's partial inclusion in society helps legitimize the system and reduce resistance to it.*

## 6. Common Sense and Naturalization

*Patriarchal norms become so deeply ingrained in society that they are viewed as "common sense." Ideas like men being natural leaders or women being better suited to caregiving become part of the collective mindset, making it difficult for people to imagine alternative social structures. This naturalization makes male dominance appear inevitable or even desirable, further entrenching the hegemonic system by limiting the perceived viability of alternatives.*

## 7. Crises and Adaptation

*Patriarchy faces periodic crises when its legitimacy is challenged, such as during feminist movements or social shifts toward gender equality. These moments expose the contradictions within the system, particularly its unequal treatment of women and marginalized genders. In response, patriarchy adapts by incorporating some feminist demands (e.g., legal rights, educational access for women) while maintaining its fundamental structure. Sometimes, patriarchal systems evolve into more subtle forms of dominance, masking their control behind the rhetoric of equality or empowerment, while real power imbalances persist.*

## 8. Conclusion

*Patriarchy fits Gramsci's model of hegemony. It maintains **cultural and ideological leadership** by normalizing male authority and traditional gender roles. Its **institutional influence** pervades key societal structures, and it relies heavily on **consent rather than coercion**, as many women and men internalize and perpetuate patriarchal values. Patriarchy presents itself as acting in the **universal interest**, incorporating women into supportive roles that seem essential to social stability. It **naturalizes** its ideology as common sense, while facing crises that force it to **adapt** to new social realities without dismantling its core structure of male dominance.*

1. Prussian schools were violent by design and naturally made use of corporal punishment – this was a time when children were treated as chattel and had no substantial protection from violence. Corporal punishment is one area of Rights in Education where notable progress has been made; Sweden was the first country to outlaw corporal punishment in schools in 1958, even prior to the CRC which articulated the child’s Right to be free from violence. However, there are still 63 member states where it is lawful<sup>48</sup> in schools.
2. In countries where corporal punishment is not legal, other forms of punishment such as Detention and Isolation are resorted to – these violate § 37 (b) *“The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”* unless statutory law provides for schools to detain or imprison children.
3. Curricular pressure that restricts interests to what will be tested in examinations, as well as refusal to provide education on certain taboo subjects (Theory of Evolution, sexual and relationship education, Critical Race Theory, etc.) is an arbitrary restriction of § 13 (Freedom of Expression) which includes the *“freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers”*.
4. The insistence on reading and writing, and using literacy as a benchmark of education, especially when alternate provisions are available (e.g. video/audio material, oral examinations) is, in the case of dyslexic children, a violation of § 23 (1) *“a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community”*
5. Ableist practices that exist only for the convenience of educators (such as restricting movement for autistic children who need to stim, or requiring children with ADHD to stay focused on the subject at hand) also violate § 23 (1)
6. School governance decisions that are routinely made without children’s participation violates § 12 (Right to be Heard)
7. Restricting toilet use to certain time periods also violates § 24 *“enjoyment of the highest attainable standard of health”*.
8. Constant surveillance by authority figures (by adults, and sometimes also by children in the form of Prefects or Monitors) is an arbitrary restriction of § 16 (Right to Privacy)
9. School uniforms and other restrictions on bodily autonomy in excess of what is socially acceptable for children outside school violates § 13 (Freedom of Expression)
10. Age-based grouping of children into grades is an arbitrary restriction of § 15 (Freedom of Association)

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<sup>48</sup> <https://endcorporalpunishment.org/schools/>

The following texts refer to the right to choose education in the Human Rights discourse:

1. 1948: Universal Declaration of Human Rights § 26 (3)  
*“Parents have a **prior right to choose the kind of education** that shall be given to their children”*. This clause was included to *“provide protection against the risk of undue intervention by the State in the sphere of education”*<sup>49</sup>. This is a very open-ended statement.
2. 1960: Convention against Discrimination against Education (CADE) § 5 (b)  
*“It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to **choose for their children institutions other than those maintained by the public authorities** but conforming to such minimum educational standards as may be laid down or approved by the competent authorities”*. While parental choice from the UDHR is preserved, it is now more restrictive as *institutions*. The requirement to conform to *minimum educational standards* also risks undermining the very purpose of including the parental choice clause in the UDHR.
3. 1966: International Covenant on Economic, Social and Cultural Rights (ICESCR) § 13 (3)  
*“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to **choose for their children schools, other than those established by the public authorities**, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions”*. The *institution* in CADE is now made explicit as *school*, and the previously unspecified *competent authority* is now the *State*.

Note that there is no article in any UN Human Rights treaty that explicitly provides for elective home education. Home schooling advocates typically refer to the UDHR, because it doesn't specify that the education must be provided in a school (as in ICESCR) or in an institution (as in CADE). But the UDHR is not an enforceable treaty – it is a landmark declaration, but still only a declaration. The right to elective home education depends instead on domestic legislation and/or practice, such as in the USA and the UK.

However, the ICESCR also provides for the *“liberty of individuals and bodies to establish and direct educational institutions”* because the right to choose alternatives to public education cannot be effected without the liberty to establish such alternatives.

Things get really interesting with the Convention on the Rights of the Child, because § 29 (2) reiterates the ICESCR's liberty to establish alternatives, but there is no clause on parental choice! What would be the point of having the liberty to establish alternatives if there was no liberty to select them?

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<sup>49</sup> “Parental choice and the right to education: Revisiting Article 26 of the Universal Declaration of Human Rights” (<https://unesdoc.unesco.org/ark:/48223/pf0000380161>), p. 13

My reasoning for this is that a convention that recognizes Children as the Subjects of their own Rights cannot grant authority to parents to determine the child's education – that was a relic of an era where children were not fully recognized as being rights holders.

Instead, it provides for Children to have a Right to be Heard (§ 12) on all matters affecting the child (and education obviously affects the child) and recognizes that Parents have a responsibility, right and duty (§ 5) *“to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”*. Note that this is not “direction and guidance” based on the Parents' wishes, but towards the child's exercise of the Rights of the Child.

In my reading of this, if a Child, supported by the direction and guidance of the parents, exercises their Right to be Heard to make an informed choice for education provision different to that provided by the State, that choice must be upheld by the parents and the state to the fullest extent possible, provided it is in conformity with the Aims of Education in § 29 (1), which is the same standard educational institutions established by individuals or bodies are obliged to meet. The child's choice must also *“conform to minimum standards as may be laid down by the State”* – but these minimum standards must be in alignment with obligations in human rights treaties, and especially the CRC.